



THE CITY OF NEW YORK
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February 7, 2020

VIA ECF & EMAIL

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007-1312

MEMO ENDORSED

Re: Smalls, James v. NYCERS, et al.,
18 CV 5428 (KPF)

Your Honor:

I am an attorney in the office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced action. Defendant writes to respectfully request an extension of time to file the Joint Pretrial Order, motions *in limine*, and pretrial memoranda, which are currently due on February 12, 2020, until February 19, 2020, and in accordance with this extension, extend the time for parties to file their opposition to the initial filing from February 19, 2020 to February 26, 2020. This is the first request for such an extension. The reason for this request is the unavailability of certain employees that are necessary for defendant to fully prepare its case. Plaintiff consents to this request.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Annette M. Lalic
Assistant Corporation Counsel

cc: VIA ECF AND EMAIL
James Smalls
Plaintiff *Pro se*
P.O. Box 101
Bronx, New York 10471
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In light of the impending final pretrial conference and trial scheduled in this matter, Defendant's application is GRANTED only in part. The parties may file their Joint Pretrial Order, motions *in limine*, and pretrial memoranda on or before February 14, 2020. The parties may file their opposition to any such filings on or before February 21, 2020.

Dated: February 7, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed by Chambers to:

James Smalls
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